

Department of Health Professions

DIRECTOR'S POLICY # 76-3.5

Reporting to The Data Bank

Effective Date: May 19, 2014

Approved By: _____

David E. Brown, D.C., Director

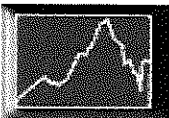
76-3.5 Reports to The Data Bank, maintained by the Bureau of Health Professions, Health Resources and Services Administration, U.S. Department of Health and Human Services.

Purpose:

To establish policy for transmittal of adverse action reports to The Data Bank (per Title IV, Public Law 99-660, the Health Care Quality Improvement Act of 1986, as amended; and Section 1128E of the Social Security act, as amended by Sec 221(a) of Public Law 104-191, the Health Insurance Portability Act of 1996 which require state agencies that license health care practitioners to report disciplinary actions and adverse actions against all health care practitioners within thirty (30) days.

Background:

- A. Title IV requires state boards of medicine and dentistry to report to the NPDB all adverse licensure actions on physicians and dentists, and professional competence or conduct, within 30 days. Actions to be reported include suspension, revocation, censure, reprimand, probation and surrender.
- B. Section 1921 of the Social Security Act expanded information to be reported to the NPDB, and who must report it. Under Section 1921, state agencies that license health care practitioners must report adverse state licensure actions taken against ALL health care practitioners, not just physicians and dentists, as well as negative actions or findings by state licensing authorities. State licensure action taken as a result of informal and formal administrative proceedings are reportable to NPDB and include:
 - Any adverse action, including revocation or suspension of a license, reprimand, censure or probation;
 - Any dismissal or closure of the proceedings by reason of the practitioner surrendering the license or leaving the state of jurisdiction;
 - Any other loss of the license, whether by operation of law, voluntary surrender (excluding those due to non-payment of licensure renewal fees, retirement or change to inactive status); or
 - Any negative action or finding that is publicly available information.



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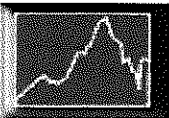
- C. Section 1128E of the Social Security Act requires state licensing agencies to report to the HIPDB any health care related criminal convictions and state licensure and certification actions.
- D. Actions taken by the agency against health care practioners may be reportable to both the NPDB and HIPDB.
- E. Section 6403 of the Patient Protection and Affordable Care Act (ACA) which was signed into law on March 23, 2010, required that the duplication between the NPDB and the HIPDB be eliminated. On May 6, 2013, the NPDB, Section 1921 NPDB and the HIPDB merged and became known as The Data Bank.
- F. Additonal information available at: www.npdb.hrsa.gov

Policy:

All publicly available disciplinary actions taken by the health regulatory boards ("boards") within the Department will be transmitted to The Data Bank within thirty (30) days of the entry of the final action.

Responsibilities:

- A. Director, Administrative Proceedings Division.
 - 1. Serve as agency proponent for The Data Bank, providing executive oversight of the program
 - 2. Serve as or oversee administrator/authorized submitter/certifying official for purposes of reporting to The Data Bank
 - 3. Ensure Data Bank Identification Number and password is maintained in current status to enable DHP access to The Data Bank
 - 4. Update Agency Director (or designee) within one (1) week of any new Data Bank reporting requirements
 - 5. Provide a monthly copy to the Agency Director of the board's compliance rates on reporting publicly available disciplinary actions to The Data Bank
 - 6. Provide a yearly written summary to the Agency Director by June 1st on major Data Bank activities
 - 7. Perform tasks in accordance with procedures as outlined below



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- B. Director, Data Division. Provides the Director of APD with data support, as required.
- C. Regulatory Board Executive Directors. Perform tasks in accordance with procedures as outlined below.
- D. Deputy Director for Enforcement. Supports the Director of APD in administration of Data Bank reporting, as required

Procedures:

Health Regulatory Boards:

- 1. Ensure that all final disciplinary actions are promptly closed in the Department's case management database-License 2000 ("L2K").
- 2. Provide the Director of APD with a copy of all correspondence received from any Data Bank entity.
- 3. Follow all appropriate tasks indicated in the attached Standard Operating Procedures.

Administrative Proceedings Division:

- 1. Ensure the prompt and accurate reporting of all required information for closed cases to The Data Bank.
- 2. Follow all appropriate tasks indicated in the attached Standard Operating Procedures.

Attachments:

Attachment #1 – Required Information to be entered by the Boards in L2K for All Cases with Reportable Violations

Attachment #2 - Standard Operating Procedures for Data Bank Reporting

Attachment #3- Department of Health Professions: The Data Bank Reporting Glossary

Attachment #1

Required Information To Be Entered By The Boards In L2K For All Cases With Reportable Violations

At the time a case is closed in L2K, the Board Staff will complete the following tasks in the order as they appear below:

1. In the "Complaints" module, on the "General" tab under the "Edit Categories", Board staff will enter up to a maximum of five (5) Data Bank Basis for Action ("BFA") Codes which apply to the Findings in the Order or Consent Order for each Respondent. Also, on the General tab, the Board will click on the "Compliance" box which places a check mark in this box.
2. On the "Person" tab under "Violations", Board staff will enter the Virginia Code and / or Board Regulation the Respondent was found to have violated in the Order or Consent Order. Also, the Board will enter the Disposition Date as the date the order was signed and the Effective date as the date the order is final-which is the date a Consent Order, Summary Suspension Order or Formal Order was signed. For an IFC order (with the "33 day language") the Effective date is entered as 33 days after the order was signed.
3. In the Compliance module on the "Violations" tab the Board will verify that the "L2K finger" is pointing on the case they are currently closing out and, if not will move the L2K finger to the correct case number by clicking on the correct case number (may have to scroll down if there are several cases on the list). On the "Actions" tab the Board will enter all actions (sanctions) listed in the "Order" section of the Consent Order, IFC or FH order, etc., with the Start Date as the date the order was signed. For all Monetary Penalty actions, the Board will also enter the amount of the Monetary Penalty on the "Monetary Penalties" tab (located to the right of the Actions tab).
4. In the Complaints module on the Person tab under Violations, the Board will change the Final Disposition to 2. Violation. On the General tab, the Board will change the "Status" from Open to Closed.
5. The information required above must be entered in that order by Board staff for ALL cases closed with a violation of Virginia Code and / or Board Regulation with the exception of ALL SUMMARY SUSPENSIONS. The Data Bank Action Codes need to be entered by the Board's staff at the time a Summary Suspension is entered as well as any additional codes which may be required following the signing of a Consent Order or a Formal Hearing Order and the case is closed.
6. Board staff must also verify the Respondent's full name, full address of record, date of birth, social security number (The Databank does not accept driver's license numbers) and the Respondent's license number and update L2K with any necessary changes at the time a case is closed by the Boards.
7. After entering in L2K all required Data Bank codes the Board staff shall send copies of **all** disciplinary decision documents to APD, such as IFC Orders, FH Orders, PHCO's, CO's, Summary Suspension Orders, Closure Letters, etc.
8. AT NO TIME SHOULD ANY DATA BANK ACTION CODES BE ENTERED FOR CASES CLOSED WITH A CONFIDENTIAL CONSENT AGREEMENT!

Attachment #2

Standard Operating Procedure for Data Bank Reporting

1. On the first business day of the week, an e-mail notification will be sent to a designated APD Staff person ("APD Staff") from a designated Data Staff person ("Data Staff") stating that the new weekly Action List is available. Upon receipt of this e-mail, APD Staff will open the HIPDBUser Icon and click on the Tables button and then click on the tActionReport-1-User button. This action opens the new Action List of possible reportable cases for that week.
2. APD Staff will copy and paste the new Action List into the Excel Action Table Shell located on the APD S drive in the Ex Action Tables sub folder in the HIPDB Folder and change the page set up to Landscape-Legal Size-Print Gridlines. Once the new Action List is created in the shell, APD Staff will do "save as" to the same folder titling the list as the current week's date followed by "Action" [example: 5-5-9-2014-Action] and print the list on legal size paper.
3. APD Staff will check each Respondent listed and verify that all corresponding orders have been provided to APD by the appropriate Board staff. APD Staff will verify in L2K that the correct Data Bank Basis for Action ("BFA") code has been entered by the Board staff by reviewing the Conclusions of Law stated in each Order.
4. APD Staff will check the Violations and Action tab in the Compliance module in L2K to verify that Board staff has entered the correct Disposition and Effective dates (on the Violations tab) and that all actions listed in the "Order" section have been entered correctly in the Actions tab with the correct Start dates.
5. If any Disposition, Effective and Start dates or any Actions or Basis for Action Code are incorrect, APD will complete the corrections in the appropriate fields in L2K. APD will notify the appropriate Board of these changes in a Board specific Changes/Additions list provided to the Board by e-mail attachment by Thursday at noon each week unless otherwise indicated. The Board should respond to APD by Friday at noon indicating approval of the changes. This process will eliminate the need to roll any case over to the following week to report.
6. In L2K on the "Prosecution" tab in the "Dockets for Complaints" box, APD Staff will enter either an i (Indefinite), s (Specific) or p (permanent) as it applies to each case depending on the length of the sanction. Should the current order be a revision to a previous action, APD Staff will pull the initial order and corresponding Data Bank report (from The Data Bank IQRS Historic Reports screen) and enter the DCN ("data control number") number from the initial Data Bank report into the "Reference Cause" box. Also, for revisions, APD Staff must enter ALL (4 digit) corresponding revision codes into the HIPDB Subcategories box located on the General tab in L2K.
7. After verifying that all of the information in L2K is correct for each case, APD Staff will indicate next to the case on the Action Table if this case is to be reported as an Initial (I), Revision (R), a Correction to an Initial (C) or a Correction to a Revision (O).

8. If a case is required to be reported as a Revision (to a previous case), the case will be highlighted in yellow on the list and a pink flag with the word "Revision" will be attached to the copy of the Order. The Data Bank report of the previous case and a copy of the previous Order will be paper clipped together with the most recent Order on top.
9. Each week a Competency and Conduct ("CCB") list will be generated and updated. To generate the list, APD Staff will open the HIPDBUser Icon, click on the Tables button and then click on the tCCB-1 button. This will open the new CCB list.
10. APD Staff will copy and paste the tCCB-1 list into the CCB Table Shell located on the APD S drive in the Excel CCB Tables subfolder in the HIPDB folder and change the page set up to Landscape-Letter Size-Print Gridlines. Once the new CCB list is created, APD Staff will do "save as" to the same folder titling it with the current week's date followed by "CCB Table" [example: 5-5-9-14-CCB Table] and print the new list. For all cases with reportable violations which were committed by either a Dentist (0401) or MD (0101) or DO (0102), APD Staff will indicate in the last column of this list either a Y (yes) or N (no) regarding Competency and Conduct as it applies to each case.
11. Each week APD staff will generate and distribute a Missing Information List to each Board that has a case that is missing licensure information on this list; such as missing or incorrect dates of birth or missing or incorrect Social Security numbers, missing an amount for a Monetary Penalty, etc. To generate this list, APD Staff will open the HIPDBUser Icon, click on the Reports button and then click on the Missing Info for Board button. This will open the new Missing Information List.
12. APD Staff will copy and paste the Missing Information List into the Shell for Missing Info Reports located on the APD S drive in the Missing Information subfolder in the All Boards subfolder in the HIPDB folder. Once the new Missing Information List has been created, APD Staff will do a "save as" to the same folder titling it with the current week's dates followed by All Boards [example: 5-5-9-14-All Boards].
13. Using the current week's Missing Information List, APD Staff will copy and paste all cases for ONE Board that has missing or incorrect licensure information to a blank Excel shell in the individual Board's subfolder and save as the current week's dates followed by the Board [example: 5-5-9-14-Nursing]. Once individual missing information lists have been created for each Board that has cases that have missing or incorrect licensure information on the All Boards Missing Information List, APD Staff will send the Missing Information List as an e-mail attachment to the designated Board staff along with the cover memo.
14. For each Board's Excel Missing Information List, APD Staff will create a cover memo (from MS Word) from the existing shells located on the APD S drive in the Missing Information subfolder in the individual Board's subfolders in the HIPDB folder. The memo outlines the instructions for the Board's to complete the missing licensure information in L2K for each of the cases on the list and provide a date for completion so these cases can be considered for reporting to The Data Bank the following week. These memoranda also list the names of the individuals at the Boards who need to receive the Missing Information Lists and cover memos.

15. If the Missing Information List contains missing disciplinary information, APD will enter into L2K the correct missing disciplinary information, such as missing dates, Actions, Basis for Action Codes, etc. APD will notify the appropriate Board of these additions in the Board's Changes/Additions list provided to the Board by e-mail attachment by Thursday at noon each week unless otherwise indicated. (The same table used for incorrect information noted in #5 above). The Board should respond to APD by Friday at noon indicating approval of the additions.
16. The APD Director reviews and approves the list of all initial cases that are reported with a length of action and CCB designation.
17. Once all cases have been reviewed and approved, as indicated above, if a case cannot be reported, it must be removed from the tAction-Report-1-User list in the HIPDBUser Icon. All cases that will be submitted as Initial reports must have an I entered in the last column next to the case on this list and all cases that will be reported as Revisions must have an R entered in the last column next to the case.
18. When all the lists have been updated and the reports are ready for submission to The Data Bank, APD Staff will send an e-mail to Data Staff (including supervisor), the APD Director and designated APD support staff indicating that the reports are approved to be sent to The Data Bank. The e-mail must indicate the Action table is ready for submission along with the CCB table, [example: The tActionReport-1-User table for this week has been completed, approved, and is now available for submission to The Data Bank, along with the tCCB-1table].
19. For Revisions, corrections and corrections to revisions that do not appear on the Action table, APD staff will enter in the appropriate case in L2K, the DCN, Length of Action and Revision action codes (for revisions only). After these codes have been entered in L2K, the DCN, case number and type (R-revision, C-correction, O-correction to a revision) must be entered in the Manual R/C/O table. To access this table, the APD staff will open the HIPDBUser Icon, click on the Tables button and then click on the Manual R/C/O button. Once all of these steps have been completed, an e-mail must be sent to the Data staff letting them know there are cases entered in this table that need to be submitted to The Data Bank.
20. After the Data staff has received the e-mail for the Manual R/C/O table, they will begin the submission process which will transfer all of the cases from the Manual R/C/O table to the tActionReport_User_M table (also located within the HIPDB User program) and all of the actions which are currently in L2K for each case will appear in this tActionReport_User_M table. Once this table is complete, the Data staff will send an e-mail back to the APD staff and request that the tActionReport_User_M table be updated. The APD staff will open the the HIPDBUser Icon, click on the Tables button and then click on the tActionReport_User_M button. With the tActionReport_User M table open, the APD staff will remove all actions which DO NOT need to be submitted and leave all actions that should be submitted to The Data Bank as a current revision, correction or correction to a revision. Once completed, the APD staff will send an e-mail to the Data staff letting them know the tActionReport_User_M table is ready to submit to The Data Bank and will request that they (the APD staff) be notified once The Data Bank has successfully received these cases.

Attachment #3

Department of Health Professions HIPDB Reporting Glossary

Action List - Weekly list of cases with adverse actions to be reviewed for possible reporting to The Data Bank.

Action Tab - Tab located in the Compliance module of the License 2000 ("L2K") data base where the Boards list all adverse actions taken against a licensed practitioner.

Adverse Action - A disciplinary action taken against a practitioner's license.

CCB Button - Button located within the HIPDBUser Icon that, when accessed, will open the current week's Competency and Conduct ("CCB") List.

Competency and Conduct List ("CCB") - List which identifies cases for physicians and dentists that have had disciplinary action taken by the Board that is related to a practitioner's professional competency or professional conduct.

Correction - A report which corrects an error or omission in a previously reported action by taking the place of the current report. The organization which submitted the original report must also be the one to submit the correction.

DCN - Data Bank Control Number. The identification number assigned by The Data Bank that is used to identify each query and report. This number is used when submitting a correction, revision, or void to The Data Bank.

Disposition Date - The date a Board Order is entered / signed. This is entered by the Board when a case is closed with a disposition of "1. Violation".

Effective Date - The date a Board Order is final. This is entered by the Board when a case is closed with a disposition of "1. Violation".

The Data Bank - An information clearing house created by Congress to improve healthcare quality, protect the public and reduce healthcare fraud and abuse in the U.S. The Data Bank receives and discloses information related to final adverse actions taken against health care practitioners, providers, and suppliers.

The Data Bank Basis for Action ("BFA") Codes - Codes used by The Data Bank to identify the reason adverse actions were taken against a licensed health care practitioner. The Boards enter these codes in the L2K Case Management module on the General tab in the "Complaint Categories-Subcategories" box.

HIPDB Folder - Folder located on the APD S drive titled as "HIPDB" which contains multiple subfolders that are related to HIPDB reporting and submitting NPDB/HIPDB query requests.

The Data Bank IQRS - "Integrated Querying and Reporting Service". An electronic, Internet based system for querying and reporting to The Data Bank.

The Data Bank IQRS Historic Reports - A button located on the Options page within The Data Bank IQRS titled "View Historical Reports". When accessed, this opens to the "Historic Reports Selection" page that contains the form that must be filled out to view any of the Department of Health Professions' ("DHP") reports from June 1, 2000 through the current date.

HIPDBUser Icon - Icon which contains The Data Bank report documents and tables used for reporting adverse actions to The Data Bank.

Initial - The original record of an adverse action reported by DHP.

L2K - License 2000 - A DHP data base in which licensure information and disciplinary actions are stored.

Missing Information List - List that contains cases that were closed by the Board that are missing required information. The list contains the Board that closed the case, the case number, the practitioner's name and the information that is missing from L2K.

The Data Bank - An information clearing house created by Congress to improve healthcare quality, protect the public and reduce healthcare fraud and abuse in the U.S. The Data Bank receives and discloses information related to the professional competence and conduct of physicians and dentists.

Prosecution Tab - Located within L2K in the Compliance Module. This tab is where APD Staff enters the Length of Action ("LOA") codes which are based on the sanctions in the Order.

Query - A request for information submitted to The Data Bank via the IQRS format.

Reference Button-Cause Box - The Reference Button is in L2K located within the Prosecution Tab and the Cause Box is next to the Reference Button. This is where the DCN from an Initial Report must be entered when reporting a Revision case to The Data Bank.

Revision - An action relating to and modifying an adverse action that was previously reported to The Data Bank.

Start Date - The date the Order was signed / entered. This is entered by the Board when a case is closed with a disposition of "1. Violation".